



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 17, 2019

BY ECF

Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v The Bulk Cargo Carrier Known As The "Wise Honest," Bearing International Maritime Organization Number 8905490, 19 Civ. 4210 (PKC)*

Dear Judge Castel:

The Government writes to respectfully request that (a) the Court enter the attached stipulations resolving the claims filed by Cynthia Warmbier and Frederick Warmbier (together, the "Warmbiers") and by Han Kim and Yong Seok Kim (together, the "Kims") regarding the Defendant-*in-rem*, and (b) the Court enter the attached proposed Judgment of Forfeiture regarding the Defendant-*in-rem*.

I. Background

On May 9, 2019, the United States commenced an *in-rem* forfeiture action seeking the forfeiture of the Defendant-*in-rem*, by the filing of a Verified Complaint for Forfeiture (the "Verified Complaint"). The Verified Complaint alleged that the Defendant-*in-rem* is subject to forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(A) and 981(a)(1)(C). (Dkt. 1).

Beginning on or about May 10, 2019, and continuing through July 9, 2019, the Government published notice of the Verified Complaint on the official government internet site, www.forfeiture.gov, for at least 30 consecutive days, and proof of such publication was filed with the Clerk of this Court on July 10, 2019 (Dkt. 4). As set forth in Rule G(4)(a)(ii) and Rule G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the notice of forfeiture specified the Defendant-*in-rem* and the intent of the United States to forfeit and dispose of the Defendant-*in-rem*, thereby notifying all third parties of their right to file a claim to adjudicate the validity of their alleged legal interest in the Defendant-*in-rem*, within sixty days from the first day of publication of the Notice on the official government internet site.

II. The Warmbier Claim and the Kim Claim

On July 3, 2019, the Warmbiers filed a verified claim (the “Warmbier Claim”) with the Court asserting an interest in the Defendant-*in-rem*, based on a default judgment against the DPRK in connection with *Warmbier v. Democratic People’s Rep. of Korea*, 18 Civ. 977 (BAH) (D.D.C.) Dkt. 24 (the “Warmbier Default Judgment”). (Dkt. 5). In a memorandum accompanying the Warmbier Default Judgment, the district court laid out the horrific detention and torture of the Warmbiers’ son, Otto, by the DPRK, which are the basis for the Warmbier Default Judgment. The Government and the Warmbiers have reached a resolution of the Warmbier Claim, whereby, as laid out in the attached stipulation, the Warmbiers withdraw their claim regarding the Defendant-*in-rem*. The Government therefore respectfully requests that the Court so-order the stipulation, which is attached to this letter as Exhibit A.

On September 19, 2019, the Kims filed a verified claim with the Court asserting an interest in the Defendant-*in-rem* (the “Kim Claim”), based on a default judgement against the DPRK in connection with *Kim v. Democratic People’s Rep. of Korea*, 09 Civ. 648 (RWR) (D.D.C.) Dkt. 70 (the “Kim Default Judgment”). (Dkt. 18.). In a memorandum accompanying the Kim Default Judgment, the district court laid out the abduction and presumed imprisonment, torture, and killing of the Kims’ father and brother, Reverend Kim Dong Shik, by North Korean agents, which are the basis for the Kim Default Judgment. The Government and the Kims have reached a resolution of the Kim Claim, whereby, as laid out in the attached stipulation, the Kims withdraw their claim regarding the Defendant-*in-rem*. The Government therefore respectfully requests that the Court so-order the stipulation, which is attached to this letter as Exhibit B.

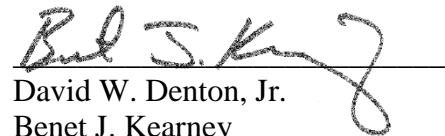
III. The Proposed Judgment of Forfeiture

Other than the Warmbier Claim and the Kim Claim, no claims or answers have been filed or made in this action, no other parties have appeared to contest the action, and the requisite time periods in which to do so, as set forth in Title 18, United States Code, Section 983(a)(4)(A) and Rule G of the Supplement Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims, have expired. The Government therefore respectfully requests that the Court enter proposed Judgment of Forfeiture, attached to this letter as Exhibit C.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney
Southern District of New York

By:


David W. Denton, Jr.
Benet J. Kearney
Assistant United States Attorneys
Tel.: (212) 637-2744 / 2260

cc: Benjamin Hatch, Esq. (via ECF and email)
Robert J. Tolchin, Esq. (via ECF and email)